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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,760	06/01/2006	Jonas Min Knarvik	P17596USPC	6183

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EXAMINER	
VANAMAN, FRANK BENNETT	
ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
03/11/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/595,760	KNARVIK, JONAS MIN	
	Examiner	Art Unit	
	Frank B. Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Status of Application

1. Applicant's amendment, filed Dec. 28, 2009, has been entered in the application. Claims 12-22 are pending, all of claims 12-22 being newly added.

Claim Rejections - 35 USC § 112

2. Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, line 7, it is not clear whether or not the limitations following the text "and optionally" are intended to be positively recited in the claim; in claim 18, "the steering runners" lacks a clear antecedent basis (note that claim 18 is not written to be dependent from claim 14, which does recite steering runners); also note a similar condition in claim 17.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12, 14, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Churchill (US 5,713,773, cited previously) in view of Chi-Hung (US 4,807,554, cited previously). Churchill teaches a hollow recreational board device including a bottom board portion (22) adapted for contact with snow or water, a longitudinal central portion (30) extending along the length of the device and being concave upwardly and forming, as broadly recited, an upwardly facing groove (see figures 7, 8), the central portion having an upward curve at front and rear ends (see figure7), the central portion additionally comprising plural steering ribs (undersides of 74, 75) or grooves (undersides of 70, 71), longitudinally oriented underside faces (laterally outboard of 66, 68, undersides of elements 40, 42) which are higher than the central portion, a top board portion (top face of 40, 22, 42) which accommodates an inflatable airtight bag (62) provided as a seating element, and having plural attachment

portions (see at the front and rear ends of 62 where attached to the top of 22, figure 7), further including depressions (outboard of 62, top surfaces of 72, 73) which accommodate a user's knees and lower legs when riding, the device being provided with one or more openings at the rear of the device (46, 64, 76, 77) connecting an interior of the hollow device to the exterior, the device further including an arrangement releasably receiving a knot on the end of a tow rope (94, 96, note col. 4, line 18).

The reference to Churchill fails to teach that the airtight seating bag is received in a depression (at the top of 30). Chi-Hung, however, teaches that it is well known to provide a recreational board device having an air-tight seating element 100, which is additionally fitted with a seating cover element (142), wherein the seating element is associated with a depression (see 104, figure 3) in a board top portion. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the seating element as taught by Churchill over a depression as taught by the location of the seating element taught by Chi-Hung so as to increase the volume of the hollow area associated with the seat, in order to provide a supplemental buoyancy compartment usable in the case of the failure of one of the other hollow sections.

As regards claim 14, the reference to Churchill fails to specifically teach that the side portions are provided with longitudinal runners. Chi-Hung additionally teach that it is well known to provide side portions (40, 42) in a recreational device (10) with longitudinal runners (144). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the device taught by Churchill with the longitudinal runners as taught by Chi-Hung for the purpose providing greater longitudinal tracking stability in the device.

As regards claim 18, the reference to Churchill as modified by Chi-Hung fails to specifically teach an angle of the steering runners, however it is well known in the art to adjust the angular orientation of runner elements on a gliding device in order to achieve a desired riding and/or operation characteristic, and it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust an angle of the steering runners to be between 1 and 10 degrees for the purpose of adjusting the riding characteristic, and/or controlling the degree of stability in the tracking of the device.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Churchill in view of Chi-Hung and Johnson (US 3,937,482). The references to Churchill and Chi-Hung are discussed above, and fail to specifically teach the provision of a groove or grooves arranged along the axis of the central portion. Johnson teaches that it is well known in the field of gliding devices to provide plural runners (22) between which are located plural grooves (face of 20 between elements 22), all of which are provided 'along' the central axis to the breadth this limitation is recited. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the device of Churchill as modified by Chi-Hung with plural central runners and grooves as taught by the structure illustrated in Johnson, for the purpose of stabilizing straight-line running with respect to a tow vehicle without introducing undue swerving which may be prevalent in a structure lacking he runners and grooves.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Churchill in view of Chi-Hung and Fireman et al. (US 6,623,018, cited previously). The reference to Churchill as modified by Chi-Hung is discussed above and fails to explicitly teach that the central portion tapers in a longitudinal direction, including a taper from 1 to 10 degrees. Initially, the central portion taught by Churchill, having a rounded profile, would be expected to taper at least at its rearward conclusion, however this particular feature or characteristic is not explicitly illustrated. Fireman teaches that it is well known that a rounded cavity (such as 50, 52, 54) or protrusion (such as 56, 58) has a taper (see underside plan view, figure 3) both at a starting end and at a concluding end, wherein portions 56, 58 narrow from a location proximate numeral 14 rearwardly (to between 50, 52, 54) and where portions 50, 52, 54 narrow from a location along their respective lengths rearwardly toward a location proximate numeral 16, at least initial tapering of the elements being at an angle of between 1 and 10 degrees. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the narrowing of the central portion taught by Churchill as modified by Chi-Hung as an explicit tapering as illustrated by Fireman et al., for the purpose of preventing an abrupt transition between the central portion and the remaining underside of the board.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Churchill in view of Chi-Hung, Fireman et al. and Dozsa-Farkas (FR 2.074.372, cited by applicant). The references to Churchill, Chi-Hung and Fireman et al. are discussed above and fail to teach that the steering runners are arranged at an angle to taper apart toward the rear of the device. Dozsa-Farkas teaches that it is quite well known to provide steering runners on a gliding board, which taper apart in a rearward direction (see elements 11, figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the steering runners (already taught by the modifying reference to Chi-Hung) to taper apart, as suggested by Dozsa-Farkas, for the purpose of allowing a user to affect the board's steering (such as by leaning the board to lateral right and/or left sides), thus beneficially providing a simple yet effective steering control

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Churchill in view of Chi-Hung and Echols (US 5,083,955, cited previously). While Churchill as modified by Chi-Hung initially teach the provision of an arrangement which releasably attached a knot on the end of a towing rope, the reference to Churchill as modified by Chi-Hung fails to teach that this arrangement is a slot with an enlarged opening. Echols teaches that it is quite well known to provide a quick-release mechanism (see figure 12, for example) providing a rearward enlarged portion (proximate 34) and a forward narrow portion (not separately referenced, see proximate numeral 32) whereby an enlarged end (31) of a towing rope (14, 15) may be quickly captured and/or released. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the attachment portion of the board taught by Churchill as modified by Chi-Hung as a slot with narrow and wide ends, as taught by Echols, for the purpose of allowing a tow line to be quickly either attached or removed from the board without requiring that a user tie or untie the knot at the line end.

Examiner Response

9. Initially, the examiner notes that new claims 12-22 are not in condition for allowance, New sole independent claim 12 is quite notably broader than previously considered independent claim 1. Applicant's remarks, filed with the amendment have been carefully considered. The remarks indicate that the newly presented claims are believed to be patentable, however the remarks fail to set forth any particular reasons for patentability. Applicant is advised of the content of 37 CFR 1.111. As regards the rejection of previous claim 3, the examiner agrees that this claim is no longer appropriately rejected under 35 USC §102 at least for the reason that it is no longer pending. Note that as regards new claim 21, the reference to Churchill, as applied in combination with Chi-Hung, is understood to meet the limitations in this claim. The examiner notes that claim 21 does not actually appear to resemble previous claim 3.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:
Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,
Or faxed to:
PTO Central Fax: 571-273-8300

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Primary Examiner
Art Unit 3618

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